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PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/904,666
Filing Date	July 12, 2001
First Named Inventor	Bezek
Art Unit	1772
Examiner Name	Nordmeyer, Patricia L.
Attorney Docket Number	CFLAY.00046-CPA2

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TC 1700

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-0392

i. ☐ RCE fee required under 37 CFR 1.17(e)

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ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

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770.00 DP

iii. ☒ Other _____

b. ☒ Check in the amount of \$ 770.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Colin P. Carlson	Registration No. (Attorney/Agent)	38,836
Signature		Date	October 3, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Rhonda K. McGee	Date	October 3, 2003
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT:	Bezek et al.	§	GROUP ART UNIT: 1772
		§	
FILED:	July 12, 2001	§	
		§	
INVENTION:	Plastic Container Barrier	§	EXAMINER: Nordmeyer, Patricia L.
	Structure for Dry Food	§	
	Products	§	
		§	
SERIAL No:	09/904,666	§	ATTY FILE: CFLAY.00046-CPA2

PRELIMINARY AMENDMENT

Applicant does not believe that any fees are due and owing at this time; however, the Examiner is hereby authorized to charge any present or future insufficient payments, or credit any present or future overpayments, to Deposit Account No. 50-0392.

Please accept the following amendments in support of patentability for the above-identified application:

IN THE CLAIMS:

A redacted version of the amended claims showing additions and deletions is provided in the appendix. A clean version of the entire set of pending claims is as follows:

- 13
1. (Twice Amended) A method for making a plastic dry food container, said method comprising the steps of:
 - a) forming a thin sheet comprising a layer of ethylene vinyl alcohol film as an innermost surface of the container and a layer of high density polyethylene as a second layer attached to said ethylene vinyl alcohol layer;
 - b) placing a dry food product within said container, wherein the dry food product acts as a desiccant to draw moisture away from the ethylene vinyl alcohol film; and
 - c) sealing said container.